

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

UNIVERSAL LIFE CHURCH)
MONASTERY STOREHOUSE,)
ERIN PATTERSON,)
GABRIEL BISER,)

Plaintiffs,)

v.)

NO. 2:19-cv-00049

WAYNE NABORS in his official capacity)
as County Clerk of Putnam County,)
Tennessee,)

JENNINGS H. JONES, in his official)
capacity as District Attorney General for)
Rutherford County,)

COTY WAMP, in her official capacity as)
District Attorney for Hamilton County,)
Tennessee,)

BRYANT C. DUNAWAY, in his official)
capacity as District Attorney for Putnam)
County,)

Defendants.)

ORDER

The final pretrial conference was held with all counsel participating in the bench trial present.

The trial date of August 15, 2023 was confirmed. The Court made the following decisions:

1. State Defendants’ Motion for Sanction/Motion in Limine – to Exclude J. Gordon Melton Expert Witness (Doc. No. 298) is **DENIED**. Without any order setting a date for disclosure of expert witness for trial, Plaintiffs properly relied upon Fed. R. Civ. P. 26(a)(2) when it disclosed its expert witness within 90 days of the trial.

2. State Defendants’ Motion in Limine to Exclude Plaintiffs’ Proposed Exhibits 6, 20, 29-47 (Doc. No. 324) is **GRANTED IN PART** and **DENIED IN PART**. The parties have agreed

not to use at trial Exhibits 6, 20, 33, 36 and 38-47, accordingly that part of Defendants' motion is **DENIED AS MOOT**. With respect to Exhibits 29 and 30, the expert witness' report and curriculum vitae, subject to a proper foundation at trial and compliance with Fed. R. Evidence 401, will be admitted. The expert's report may be presented as the Local Rules allow, and his report will be admitted for identification purposes only. Exhibits 31, 32, 33, 34, 35 and 37 are **RESERVED** to trial.

3. State Defendants' Objections to Plaintiffs' Designation in Depositions of Tameka Farris and Gale Plumm (Doc. No. 327) is **RESERVED**.

4. Defendant Wayne Nabors' Renewed Motion in Limine as to the Declaration of James Welch and Motion in Limine Excluding James Welch as a Witness at Trial (Doc. No. 315) is unopposed and **GRANTED**.

5. By noon on Monday, **August 14, 2023**, the parties will submit to Chambers the original and three sets of the exhibits to be used at trial. The exhibits will be in two three-ring binders – one containing the agree joint exhibits to which there is no objection as to authenticity or admissibility, and the other containing exhibits to which no agreement has been reached. Each three-ring binder shall have a table of contents, and each exhibit shall be tabbed.

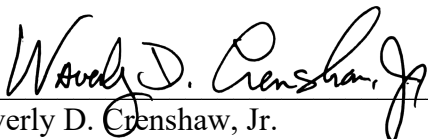
6. Also by noon on Monday, **August 14, 2023**, the parties shall submit to Chambers three, marked copies of the deposition excerpts to be used at trial.

7. The District Attorney General Defendants are excused from attending trial except when called to testify. Likewise, the Motion to Excuse Presence of Gabriel Biser on Second Day of Trial (Doc. No. 334) is **GRANTED**.

8. Trial will commence at 9:00 a.m. on Tuesday, **August 15, 2023**. Because the Court will have read all of the relevant filings by then, no opening statements are necessary, although the parties may make a *brief* opening statement (5-10 minutes) if they so choose.

9. At the conclusion of the trial, the Court will set a deadline for the filing of proposed Statements of Fact and Conclusions of Law. Each Statement of Fact shall be numbered and short, meaning one to two sentences for each such statement. The Conclusions of Law shall be divided into appropriate sub-headings.

IT IS SO ORDERED.



Waverly D. Crenshaw, Jr.
Chief United States District Judge